

REMARKS:

This communication is in response to the detailed office action dated July 13, 2004.

IN THE SPECIFICATION

The Examiner objected to the Abstract. The Applicants have amended the Abstract and respectfully request the objection be withdrawn. No new matter has been added.

IN THE CLAIMS

In this office action, the Examiner rejected claims 1 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent no. 4,899,540 to Wagner *et al.* (hereinafter “Wagner”). Claims 1, 5, and 7 are also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent no. 4,562,695 to Rao *et al.* (hereinafter “Rao”). Finally, claims 2-4 and 8-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wagner in view of U.S. Patent Application no. 2003/0010399 to Friebe *et al.* (hereinafter “Friebe”).

The Applicants have amended the independent claims, claims 1 and 7 to include the subject matter of claim 2 and claims 8 and 9, respectively. In light thereof, the rejection of claims 1 and 7 under 35 U.S.C. § 102(b) has become moot and the Applicants respectfully request the rejections be removed.

The Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a). Wagner teaches an apparatus and method for reducing particulates from diesel exhaust gasses. *See* Wagner, col. 2, ll. 18-38, col. 5, l. 62-col. 6, l. 49. Wagner includes a heating element 92 and an air compressor 210 or other air source to flow air. *Id.* at col. 8, ll. 5-8 and col. 12, ll. 46-61. In use, a filter module 90 traps particulates until it reaches a predetermined quantity, then a regeneration method is initiated. *Id.* at col. 11, ll. 11-39. During regeneration, electric energy is provided to the heater 92 such that the heater heats the particulates to a combustion temperature. *Id.* At this point combustion air is provided that initiates combustion of the particulates. *Id.* However, Wagner does not teach methods or systems that include providing the electrical energy *through a fuel supply nozzle* during interaction of the fuel supply nozzle with a fuel supply hole of the vehicle and simultaneously *initiating the process of operating the heater and the air blower to regenerate the particulates while the vehicle is refueling.*

Friebe teaches a two way system of refueling a vehicle. *See* Friebe, paragraphs 21, 22, and 24. The vehicle in Friebe partially generates electricity during use, then upon refueling, can *deposit* the stored electricity into a connection upon refueling or parking. *Id.* The invention even discloses obtaining a credit for the electricity you deposit or a “fuel for

electricity” type of symbiotic relationship, furthermore, the electricity generated and stored in vehicles can be utilized to offset “power peaks” by retrieving electric power from visitor’s vehicles. *Id.* at paragraphs 22 and 24, respectively. Nowhere does Friebe disclose a system of diesel exhaust particle regeneration. Furthermore, Friebe does not disclose a heater or air blower that is operated on electricity provided *to* the vehicle during refueling.

The Applicants point out that the combination of Wagner and Friebe lacks critical elements of the present claims and, therefore, can not render the invention in the above-identified application obvious. Neither reference, Wagner nor Friebe discloses providing an electrical supply *to* a vehicle through a refueling line *and* initiating operation of a heater and an air blower of a regeneration system during refueling. The above-identified application claims systems and methods of initiating a heater and an air blower of a particulate regeneration system, during refueling of a diesel powered vehicle, by attaching an electrical connection to the vehicle in combination with a refueling nozzle. *See* Above-identified application, paragraphs 30-35 and 42-50 and Figures.

Moreover, it would not have been obvious to one having ordinary skill in the art at the time of invention to have utilized the fuel supply nozzle taught by Friebe in the system of Wagner. Friebe discloses using the electric connection to *retrieve* electric power *from* the vehicle *to* the fueling station or other type of connection. Friebe is completely opposite to the system of the present invention. Therefore, the Applicants respectfully request the Examiner remove the rejection and allow the claims.

Claims 2, 8, and 9 have been canceled. No new matter has been added with the amendments to the claims.

In view of the foregoing remarks and amendments, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned at 415-442-1106 in order to expedite allowance of this case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060944-0189).

Respectfully submitted,

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